

**REMARKS**

Claims 1-6 are all the claims pending in the application, stand rejected.

Claims 1, 2 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over, Zerbe (EP 0934851 A2) in view of Suzuki (5,034,772). This rejection is traversed for at least the following reasons.

The Examiner repeats the basis for rejection at page 5 of the Office Action and comments in the Response to the Arguments at page 2 of the Office Action that the claim does not expressly state that (1) only the lens projects within the hood and (2) the lens is housed within the hood.

**Claim 1**

Applicant previously explained the present invention, as defined in independent claim 1 to be a sensor or camera in a window (1) that comprises a hood (10) and a breathable dust proof filter (11). Applicants asserted that only the lens (3) is within the hood (10), while the body (4) of the sensor or camera is outside of the hood. The hood (1) protects the lens (3) from contamination by dust or smoke particles. The filter (11) permits the volume within the hood to be exposed to ambient conditions such that a change in temperature does not result in a condensation of moisture on the lens, while excluding dust or other particles, as explained at page 2 of the present application.

On the basis of the Examiner's comments, Applicants understand that the Examiner may find the claims distinguishable over the prior art if amended to state a location of the lens. Accordingly, Applicants have amended claim 1 to state that the lens is "projected into and housed within the hood."

**Zerbe**

As previously asserted, there are two significant differences between the present invention and Zerbe.

**No Lens Within The Hood**

Applicants previously asserted that the structure in Zerbe does not include a lens disposed within the hood, as now claimed. The lens 8 is within the windshield. This is a significant structural difference as the problem confronted by the present invention does not exist in Zerbe.

Specifically, the sensor optics 8 do not experience the negative influence of the inner area of the automobile (dust, moisture, etc.), as explained at col. 3, lines 45-50. An expensive and complicated windshield arrangement must be provided, as shown in Fig. 1 of Zerbe.

By contrast, the present invention is adapted to be mounted to a conventional windshield. The Examiner asserts that "projecting within a hood and housed within a hood are two distinct concepts." Applicants agree that there are different concepts, but in either case, the lens structure of Zerbe is not within a hood; it is within the windshield and clearly away from the hood. The windshield itself is not part of the hood, the lens is in the windshield and not in the hood. Finally, the Examiner adds the argument that, since light comes from the lens in the windshield of Zerbe, and thereafter enters the hood, the lens is "projecting within the hood." The language of the claim is clear, as it refers to a physical projection and not merely an optical projection of a field of view.

#### No Filter

The downside to the lens being projecting into and housed within the hood is that the lens may be exposed to dust that enters the hood. Applicants have fashioned the hood with a filter that solves this difficult problem. This limitation appears in claim 1.

By contrast, given the embedded lens of Zerbe, there would be no need for any filter. The Examiner admits that Zerbe does not teach or suggest the use of a filter, for the reasons already noted.

#### Suzuki

However, the Examiner looks to Suzuki, which discloses a breathable dustproof filter as part of the sensor arrangement, based on the disclosure at col. 3, lines 42-47, and asserts that it would be obvious to apply such filter in Suzuki to the structure of Zerbe. The Examiner's rationale for the proposed combination is in error for the reasons given in the previous amendment. In the interest of efficiency, Applicants will not repeat them here.

The Examiner argues that claim 1 does not require the filter to be in front of the lens, and asserts that it may be anywhere. The Examiner may be asserting that the filter is an optical filter, rather than an air filter. However, the claim clearly is limited to a "dustproof filter." Such filter cannot be an optical filter, based on the interpretation of the claims in light of the disclosure.

Claims 2, 4 and 6

With regard to these claims, Applicants would rely upon the patentability of parent claim 1 and the reasons given in the previous amendment.

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zerbe (EP 0934851 A2) in view of Suzuki (5,034,772) and Fujii (5,922,105). This rejection is traversed for at least the following reasons.

Claim 3

This rejection would be overcome on the basis of the patentability of the parent claim, and the reasons given previously.

Claim 4

This rejection would be overcome on the basis of the patentability of the parent claim, and the reasons given previously.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Zerbe (EP 0934851 A2) in view of Suzuki (5,034,772) and obvious engineering design choice.

Again, patentability of this claim is based on the dependence from claim 1 and the arguments previously given.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

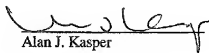
Amendment Under 37 C.F.R. § 1.116  
U.S. Application No. 10/004,840

he USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

  
Alan J. Kasper  
Registration No. 25,426

Date: January 16, 2007